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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/182,850 01/18/94 WEINGARDT

F3M1/0812

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EXAMINER	
PYERCE, W	
ART UNIT	PAPER NUMBER

3304

DATE MAILED: 08/12/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 6/20/94 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

- ☒ Claims 1-7, 10-14 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☒ Claims 8, 9 have been cancelled.
- ☒ Claims 11-14 are allowed.
- ☒ Claims 1-7, 10 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

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1. The drawings are objected to under 37 C.F.R. § 1.83(a) as set forth in the first office action. No new matter should be entered.

2. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Simpson as set forth in the previous office action.

3. Claims 2-9 are rejected under 35 U.S.C. § 103 as being unpatentable over Simpson in view of Parker as set forth in paper No. 3.

4. Claim 10 is rejected under 35 U.S.C. § 103 as being unpatentable over Simpson in view of Parker and further in view of Scarne as set forth in paper No. 3.

5. Applicant's arguments filed 6/20/94 have been fully considered but they are not deemed to be persuasive.

Applicant's interpretation of Simpson on pg. 8 is noted. On pg. 9 he goes on to discuss claim 1 and that it consists of a matrix having seven rows and seven columns as opposed to the 10 x 10 matrix shown by Simpson. Simpson shows the limitations of a 7 x 7 matrix (i.e. 7 rows and 7 columns), he merely shows 3 extra rows and columns. As such interpreting the first 7 rows and first 7 columns of Simpson to comprise a 7 x 7 matrix shows the claimed invention as necessary under 102. As set forth in the

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previous office action, Simpson shows a first indicia having 5 contiguous rows and columns shown by spaces 12 in the upper right hand corner of the matrix shown in Fig. 1 and second indicia having two contiguous rows and columns shown by 11 in the upper left hand corner of the matrix. Either applicant has missed examiners interpretation as set forth in the previous office action or he has chosen to ignore it for argument sake. Hence, each of these elements alleged not shown by applicant's arguments are clearly explained again above for applicant's benefit.

As to Simpson's disclosure of a single game, such clearly anticipates claim 1. Claim 1 merely calls for a "bingo card". Number of games played and prizes are not even subject matter to claim 1.

Applicant goes on to state that the bingo cards are used in different games. Such an argument carries no weight for an apparatus claim where intended use or play is not considered limiting. Likewise, claim 1 does not call for an increased jackpot prize (Such appears to more address subject matter like that of claim 11 rather than claim 1. However, it appears from the organization of applicant's arguments that he is still discussing claim 1.)

The card of claim 2 is considered shown for the reasons set forth above to claim 1.

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Applicant goes on to argue the intended use of the indicia on the balls. The claims merely call for balls marked with color indicia. How the indicia is intended to be used in the intended method of play is not limiting for the apparatus claims.

As to claim 10, Simpson shows a 7 x 7 bingo card as set forth above. The claim further only recites "providing a player with a bingo card..." nothing about two games is recited as set forth by applicant's arguments.

Although progressive type betting is known, allowing a player to make a third progressive wager in a bingo game like the one shown by Simpson is not fairly taught by the art of record. Such is the subject matter of claims 11 and 12.

The art of record does not fairly teach a first and second plurality of bingo balls in combination with first, second and third amounts as set forth in claims 13 and 14.

6. Claims 11-14 are allowable over the prior art of record as set forth above.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greer shows a Bingo game.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS

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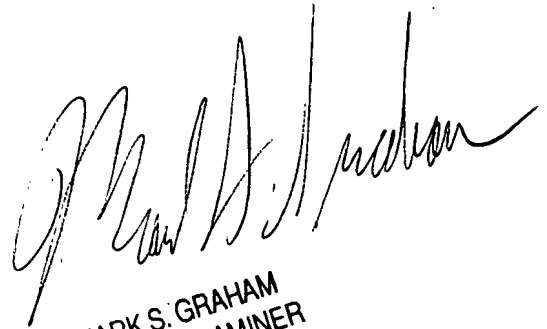
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ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

9. Any inquiry concerning this communication should be directed to William Pierce at telephone number (703) 308-0858.



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MARK S. GRAHAM
PRIMARY EXAMINER
GROUP 3300